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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,648	02/09/2006	Toru Koike	00862.109341.	2457
5514	7590	10/06/2009	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800			ADEYIGA, TEMITOPE A	
ART UNIT	PAPER NUMBER			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,648	KOIKE ET AL.	
	Examiner	Art Unit	
	TEMITOPE ADEYIGA	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13 and 16-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 13 and 16-23 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on February 09, 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

1. Amendments to the claims were filed on July 6, 2009. Claims 1-12, 14, 15, and 24-30 have been cancelled. Claims 13 and 16-23 are currently amended. Claims 13 and 16-23 are now pending in the application.

Response to Arguments

2. Applicant's arguments with respect to claims 13 and 16-23 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's inadequate traverse to the Examiner's taking of Official Notice in the last office action (rejection of Claims 16-21) is taken as an admission of the fact(s) noticed.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 13-15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 5796429) in view of Murakawa (US 6463432) in view of (US 20050110878) hereinafter referred to as Dalton.

a. **Claim 13** Suzuki discloses "An imaging apparatus for recording captured images, comprising: connector component that connects an image storage component that stores a plurality of image data, to the imaging apparatus in a removable condition [Suzuki Column 3; lines 50-60 items 10a and 10b]"

i. Suzuki fails to disclose "retrieve condition storage component that stores retrieve condition data such as a key image or a keyword for use as a retrieve condition when

performing image retrieval with respect to the image data stored in the image storage component connected to the connector component; retrieval component that retrieves the image data that matches or is similar to the retrieve condition data from the image storage component connected to the connector component ”

- ii. In a similar field of endeavor Murakawa discloses an apparatus for and method of retrieving images. Murakawa discloses similar image retrieval unit which reads on “ retrieve condition storage component that stores retrieve condition data such as a key image or a keyword for use as a retrieve condition when performing image retrieval; retrieval component that retrieves a retrieval result by searching for image data that matches or is similar to the retrieve condition data from among the plurality of image data stored in the image storage component connected to the connector component ” [Murakawa Column 5; lines 25-32 and Column 7; lines 15-45 and Abstract]
- iii. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki by providing “retrieve condition storage component that stores retrieve condition data such as a key image or a keyword for use as a retrieve condition when performing image retrieval with respect to the image data stored in the image storage component connected to the connector component; retrieval component that retrieves the image data that matches or is similar to the retrieve condition data from the image storage component connected to the connector component” **as disclosed by Murakawa for the purpose of providing automatic comparison of the objective image with the key image and to provide retrieval of image data based on the comparison.** [Murakawa Column 2; lines 32-67]

- iv. The combined teachings of Suzuki and Murakawa do not specifically disclose “and internal storage component that stores the retrieval result retrieved by the retrieval component, wherein even in a case where the image storage component is detached from the connector component and is replaced with another image storage component, the retrieval component further retrieves a retrieval result from among a plurality of image data stored in said another image storage component using the common retrieve condition data which has been used with respect to the image storage component and wherein the internal storage component accumulatively stores the retrieval results retrieved by the retrieval component until there in an explicit instruction.”
- v. In a similar field of endeavor, Dalton discloses methods for managing images captured by the digital camera. [Dalton ¶0023] discloses the accumulation of images retrieved on a condition (tagged as “favorite”) after the external storage device is no longer available. Dalton discloses “an internal storage component (item 108) that stores the retrieval result retrieved by the retrieval component, wherein even in a case where the image storage component is detached from the connector component and is replaced with another image storage component (¶0027), the retrieval component further retrieves a retrieval result from among a plurality of image data stored in said another image storage component using the common retrieve condition data (**designated as favorite**) which has been used with respect to the image storage component and wherein the internal storage component accumulatively stores the retrieval results retrieved by the retrieval component until there in an explicit instruction”
- vi. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki and Murakawa by

providing “and internal storage component that stores the retrieval result retrieved by the retrieval component, wherein even in a case where the image storage component is detached from the connector component and is replaced with another image storage component, the retrieval component further retrieves a retrieval result from among a plurality of image data stored in said another image storage component using the common retrieve condition data which has been used with respect to the image storage component and wherein the internal storage component accumulatively stores the retrieval results retrieved by the retrieval component until there in an explicit instruction” as disclosed by Dalton for the purpose of accessing specified images even in the cases where the memory cards previously used to store the corresponding specified images are not available. [Dalton ¶0023]

- b. **Claim 22** is of the same scope of Claim 13; therefore Claim 22 is rejected similarly as applied in the rejection of Claim 13.
- c. **Claim 23** is of the same scope of Claim 13; therefore Claim 23 is rejected similarly as applied in the rejection of Claim 13.

- 5. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Murakawa in view of Dalton as applied to claim 13 above, and further in view of Official Notice.

- d. **Claim 16** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing “non-volatile storage component for saving the retrieve condition data when there is an instruction to deactivate the power from the power deactivation switch; and read/write control component that, when the power to the imaging apparatus is reactivated, reads the retrieve condition data from the non-volatile storage component to write the retrieve condition data

in the retrieve condition storage component”; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “non-volatile storage component for saving the retrieve condition data when there is an instruction to deactivate the power from the power deactivation switch; and read/write control component that, when the power to the imaging apparatus is reactivated, reads the retrieve condition data from the non-volatile storage component to write the retrieve condition data in the retrieve condition storage component”, since non-volatile storage devices were known to maintain an indicator of the status of data transfer for situations when the device that the non-volatile storage device is connected is powered off.

- e. **Claim 17** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing “selection component that selects whether or not to store the retrieve condition data on the non-volatile storage component when the image retrieval processing ends; and write control component that writes the retrieve condition data on the non-volatile storage component when a selection is made to store the retrieve condition data on the non-volatile storage component”; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “selection component that selects whether or not to store the retrieve condition data on the non-volatile storage component when the image retrieval processing ends; and write control component that writes the retrieve condition data on the non-volatile storage component when a selection is made to store the retrieve condition data on the non-volatile storage component”, since, as mentioned above in the rejection of Claim 16, the status of data transfer were well known to non-volatile storage devices, to make that feature selectable, requires only routine skill in the art.

f. **Claim 18** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing “flag control component that sets a flag showing that retrieval is in progress at the start of image retrieval processing by the retrieval component and resets the flag at the end of the image retrieval processing; flag determination component that determines whether the flag is set when the power of the imaging apparatus is activated; first message display component that, when the flag had been set, displays a message to inquire whether or not to continue the image retrieval processing; first input component that inputs an instruction as to whether or not to continue the image retrieval processing; and first continuation instruction component that, when an instruction to continue the image retrieval processing was input, instructs the retrieval component to continue the image retrieval processing”; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “flag control component that sets a flag showing that retrieval is in progress at the start of image retrieval processing by the retrieval component and resets the flag at the end of the image retrieval processing; flag determination component that determines whether the flag is set when the power of the imaging apparatus is activated; first message display component that, when the flag had been set, displays a message to inquire whether or not to continue the image retrieval processing; first input component that inputs an instruction as to whether or not to continue the image retrieval processing; and first continuation instruction component that, when an instruction to continue the image retrieval processing was input, instructs the retrieval component to continue the image retrieval processing”, since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

g. **Claim 19** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing “second message display component that, when an instruction is given to execute the image retrieval processing, displays a message to inquire whether or not to change the retrieve condition data; second input component that inputs an instruction to change

the retrieve condition data; and change component that changes the retrieve condition data when an instruction is input to change the retrieve condition data”; **However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide** “second message display component that, when an instruction is given to execute the image retrieval processing, displays a message to inquire whether or not to change the retrieve condition data; second input component that inputs an instruction to change the retrieve condition data; and change component that changes the retrieve condition data when an instruction is input to change the retrieve condition data”, **since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.**

- h. **Claim 20** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing “third message display component that, when the image retrieval processing ends for an arbitrary image storage component, displays a message to inquire whether or not to replace the image storage component with a different image storage component and continue the image retrieval processing; third input component that inputs an instruction as to whether or not to continue the image retrieval processing; and second continuation instruction component that, when an instruction to continue the image retrieval processing is input and the different image storage component is connected to the connector component, instructs the retrieval component to continue the image retrieval processing”; **However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide** “third message display component that, when the image retrieval processing ends for an arbitrary image storage component, displays a message to inquire whether or not to replace the image storage component with a different image storage component and continue the image retrieval processing; third input component that inputs an instruction as to whether or not to continue the image retrieval processing; and second continuation instruction component that, when an instruction to continue the image retrieval processing is input and the different image storage

component is connected to the connector component, instructs the retrieval component to continue the image retrieval processing”, since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

- i. **Claim 21** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing “writing component that, when the image retrieval processing based on the retrieve condition data ends, writes completion information indicating the completion of the image retrieval processing based on the retrieve condition data onto the image storage component that is connected to the connector component; detection component that detects that the image storage component on which the completion information is stored was connected to the connector component; and fourth message display component that, when the connection is detected by the detection component, displays a message indicating that the image retrieval processing for the retrieve condition data has been completed”; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “writing component that, when the image retrieval processing based on the retrieve condition data ends, writes completion information indicating the completion of the image retrieval processing based on the retrieve condition data onto the image storage component that is connected to the connector component; detection component that detects that the image storage component on which the completion information is stored was connected to the connector component; and fourth message display component that, when the connection is detected by the detection component, displays a message indicating that the image retrieval processing for the retrieve condition data has been completed”, since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMITOPE ADEYIGA whose telephone number is (571)270-3578. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622

/T. A./
Examiner, Art Unit 2622